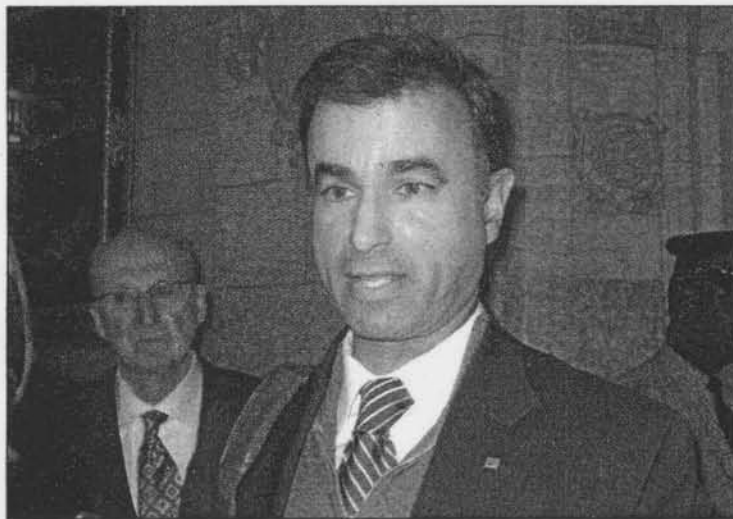


MP seeks change in rights act

Martin wants 'hate messages' section axed

BY DEBORAH GYAPONG
Canadian Catholic News



Liberal MP Keith Martin has introduced a motion that would strengthen the right to free speech. (Photo by Deborah Gyapong)

OTTAWA
Liberal MP Keith Martin has introduced a motion to axe the controversial "hate messages" section of the Canadian Human Rights Act.

"It's too blunt an instrument to deal with such a fundamental human right as the right of freedom of speech to be allowed in Canada," said Martin.

Martin decided to introduce the motion M-446 Jan. 30 after constituents raised concerns about human rights complaints against *Maclean's* magazine and the publisher of the now-defunct *Western Standard*, Ezra Levant.

Maclean's faces complaints before the Canadian Human Rights Commission and the B.C. Human Rights Commission laid by Canadian Islamic Congress president Mohamed Elmasry. The complaint arose after four law students insisted the magazine allow them equal space and control over the cover art to publish a rebuttal to an excerpt of Mark Steyn's book *America Alone: the End of the World as We Know It*.

Levant faces a complaint filed with the Alberta Human Rights Commission by a Calgary Imam after the *Western Standard* republished Danish cartoons of Mohammed that outraged Muslims around the world. Levant has said he deemed the cartoons newsworthy after a series of embassy burnings and riots after the cartoons' publication left about 150 people dead.

Complainants face no legal fees, while defendants must pay their own legal costs. Standard rules of evidence do not apply, nor are those facing complaints able to rely on a presumption of innocence.

Less well-known are human rights complaints against *Catholic Insight* for content deemed to be offensive to homosexuals. Editor Fr. Alphonse De Valk has said nothing in the magazine is contrary to Catholic teaching and he plans a vigorous defense.

Martin's motion reads: "That, in the opinion of the House, subsection 13(1) of the Canadian Human Rights Act should be deleted from the Act."

The section allows the commission to investigate and sanction "any matter that is likely to expose a person or persons to hatred or contempt by reason of the fact that that person or those persons are identifiable on the basis of a prohibited ground of discrimination."

"We have hate crimes legislation thankfully in our country," Martin said in a Jan. 31 media scrum in the House of Commons foyer. "If something is deemed to fall under hate crimes then it should go into a court, it should be dealt with through the courts and be dealt with accordingly."

"Anything else that is not deemed to be a hate crime people should be allowed to say whether you agree or vehemently oppose it," he said. "Thankfully, we have a country where we're allowed to speak our mind."

The Catholic Civil Rights League alerted members to Martin's motion, advising them the League has already written to the prime minister and the justice minister "to encourage a clarification in human rights' legislation that would protect freedom of speech and freedom of religion."

"Human rights' tribunals may well be good mechanisms for addressing discrimination in matters of employment and housing, as they were originally

designed to do," said League executive director Joanne McGarry in a Jan. 29 letter to Justice Minister Rob Nicholson. "Cases of freedom of expression are beyond their scope and legislation should be clarified to reinforce this point."

The League included an article that listed about a dozen instances where Christian individuals and organizations, including Calgary Bishop Fred Henry, have faced human rights complaints for material that is consistent with Christian doctrine or for acts of conscience, such as the refusal of a Christian printer to print gay activist material or a Knights of Columbus council to refuse the rental of a hall for a lesbian wedding reception.

"The cases which the League has helped publicize, some of which are listed in our enclosed article, do not involve discrimination at all, but rather the expression of opinion, participation in debate on topical matters, and even the expression of religious belief," McGarry wrote.

Martin's motion has won praise from Levant, who recorded his rights' commission interview and uploaded sections to YouTube, an Internet web site for video sharing. The eight or so videos have combined views in excess of 400,000.

"If a progressive, young, hip Liberal MP from an urban seat feels comfortable proposing this motion, it is a sign that reforming these commissions is politically safe, even for a Conservative government still worried about being tagged as 'anti-human rights,'" Levant wrote on his blog www.ezralewant.com, describing the motion as "huge."

Liberal MP Tom Wappel told CCN he has had concerns about aspects of human rights legislation for a long time. He thinks that only a majority government will be able to do anything about the legislation.

So far, the only Tory MP who has spoken publicly about the issue is Jason Kenney.

"To be attacking opinions expressed by a columnist in a major magazine is a pretty bold attack on the basic Canadian value of freedom of the press and freedom of expression," he told CP Dec. 12.



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Presenter: Fr. Robert Dueweke, O.S.B.

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